

# August 2006

## Update: Criminal Procedure Monograph 2—Issuance of Search Warrants (Third Edition)

### Part A—Commentary

#### 2.14 Other Exceptions Applicable to Search Warrants

##### H.\* Status of the Person Searched

Insert the following text after the July 2006 update to page 35:

See also *United States v Conley*, \_\_\_ F3d \_\_\_, \_\_\_ (CA 6, 2006), where the Sixth Circuit ruled that ordering a probationer—even a probationer convicted of a “white collar” crime—to submit a DNA sample did not require individualized suspicion and did not violate the prohibition against unreasonable searches. According to the Court:

“In view of [the defendant]’s sharply reduced expectation of privacy, and the minimal intrusion required in taking a blood sample for DNA analysis for identification purposes only, the government’s interest in the proper identification of convicted felons outweighs [the defendant’s] privacy interest. Under a totality of the circumstances analysis, the search is reasonable, and does not violate the Fourth Amendment.” *Conley, supra* at \_\_\_.

\*Subsection (H) was added by the July 2006 update to page 35.